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The Honorable Mitchell S. Goldberg
U.S. District Court for the Eastern District of Pennsylvania
17614 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106

Re: *Fakhreddine v. University of Pennsylvania*, No. 2:24-cv-01034-MSG

Dear Judge Goldberg,

On behalf of Defendant University of Pennsylvania, I write to request that Penn's time to respond to Plaintiffs' amended complaint be extended until three weeks after Plaintiffs withdraw their notice of appeal from this Court's June 24, 2024 Order. Plaintiffs consent to this request and have indicated to Defendants that they intend to withdraw their notice of appeal.

On July 4, 2024, Plaintiffs filed a notice of appeal "from the Order dated and entered on June 24, 2024, and Memorandum dated and entered on June 24, 2024, granting Defendant's Motion to Dismiss" without prejudice. ECF No. 34. Four days later, Plaintiffs filed an amended complaint. ECF No. 35. Because "a dismissal without prejudice is not a final and appealable order under § 1291" and such an order is deemed final if "the plaintiff declares an intention to stand on the complaint as dismissed," *Semerenko v. Cendant Corp.*, 223 F.3d 165, 172 (3d Cir. 2000), Defendants reached out to Plaintiffs to confirm that they would either dismiss the appeal or stand on their complaint as dismissed and withdraw their amended complaint. Plaintiffs confirmed that they would dismiss their appeal of the Court's June 24, 2024 Order.

Until Plaintiffs do so, however, it benefits judicial economy not to proceed in litigating Plaintiffs' Amended Complaint. To that end, Defendants' request for a short extension of time will benefit both parties and the Court.

Respectfully submitted,

/s/ David Gringer
David Gringer

cc: All counsel of record (by CM/ECF)